

Scarborough Renaissance Festival®

February 22, 2007

TO: Chief Clerk of The TCEQ (original and 11 copies)
Persons on the Attached Mailing List

RE: Docket No. 2006-2027-MWD
Southwest Festivals, Inc.
Request(s) filed on Permit No. WQ0014665001

In response to the Commission's February 13, 2007 letter concerning the above referenced Permit Application we would like to submit the following response to the Requester's hearing request/requests for reconsideration:

- In our opinion, the requester is not an affected person. The requester does not live in the buffer zone for the proposed facultative lagoon, is not adjacent to the buffer zone, and is not, in fact, an adjacent property owner. In fact, the requester lives almost $\frac{3}{4}$ of a mile away from the lagoon buffer zone. (see attached map).
- The Requester was previously and still seems to be misinformed about the engineering of the system proposed. There is not, and never has been a proposal to dump 53,000 gallons of waste into our creek, the proposed lagoon is not located in the 100 year flood plain. It is our contention that the requester either has not reviewed the permit application filed for public display at the Ellis County Clerk's Office, or if viewed, did not understand it.

Out of concern for our neighbors and adjacent property owners, and the misinformation that was rampant when the permit was originally submitted, Southwest Festivals, Inc., decided to hold a public information meeting and invited all interested parties in the permit, in addition to every person who sent a letter to the TCEQ concerning the requested permit. We sent out an invitation to each commentor by certified mail, return receipt requested, and informed them that the engineering firm would also be in attendance to answer any questions or concerns. Each and every person who attended that meeting signed a letter withdrawing their request for a public meeting. The Requester's certified letter was returned to us unsigned for, and the Requester did not attend the meeting. Copies of all the above mentioned correspondence were forwarded to the TCEQ offices.

CHIEF CLERKS OFFICE

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COMMISSION
ON ENVIRONMENTAL
QUALITY

Richard Holeyfield, after conferencing with representatives from the TCEQ then met with the Requester's husband and explained the proposed system and asked that they reconsider their position once the facts of the plan were explained. The Requester's husband stated that he understood the plan and was sure the requester would sign a letter withdrawing the request for a "public hearing". Mr. Holeyfield then contacted TCEQ's legal representative Scott Shoemaker and informed him of the Requester's apparent willingness to sign the agreement.

The Requester's husband was contacted a few days later to arrange for the pick up of the letter, and he informed us that she just needed to get it notarized. After a few days of not being able to contact them, the Requester's husband informed us that she "did not feel comfortable" signing the letter.

TCEQ representatives then decided they would appoint a Mediator to try and reach an agreement. Mr. Kyle Lucas contacted Richard Holeyfield and asked if Southwest Festivals, Inc. would be willing to try mediation to resolve the issue. Mr. Holeyfield agreed, and provided Mr. Lucas with phone numbers and an address for the Requester. The mediator informed Mr. Holeyfield that the Requester wanted Southwest Festivals, Inc. to build and pay for a sewer line from the City of Waxahachie to Southwest Festivals' property.

Mr. Holeyfield explained to Mr. Lucas the interesting fact that the developer of the subdivision that the Requester currently resides had previously approached Mr. Holeyfield concerning that very scenario. Mr. Holeyfield had attended a meeting with the developer (at his request) and the City of Waxahachie concerning a future expansion of the subdivision. At this meeting the representatives from the city, including the Director of Planning, the Assistant City Manager, the Public Works Director, the Director of Utilities, and the Chief Building Inspector, informed the Developer that his plan for zero lot line homes on the 150 acres across from Southwest Festivals would not be approved, and that the City has no interest in including anything west of the City into the current water treatment plant. This ended the discussion of a sewer line with the developer, and it is our understanding the City has turned down two other modified proposals from the Developer.

Southwest Festivals, Inc. has operated with TCEQ permitted Aerobic Systems for a number of years. We have been inspected every year since the inception of the systems by the County and the State and have passed each inspection with no deficiencies.

The Applicant, in preparation for its continued growth, hired qualified, state licensed engineers to design a system that will meet our future needs. The proposed system is a proven design that has been used in many applications across the State for years. Southwest Festivals, Inc. has been working with the permit team of the TCEQ for over a year to insure the design, plan and application meets or exceeds the requirements of the TCEQ and the State of Texas.

Based upon the above information, it is the considered opinion of the Applicant that the Requester has not presented any viable facts to merit a public hearing, and therefore asks for a denial of that request.

Sincerely,

A handwritten signature in black ink that reads "Richard Holeyfield". The signature is written in a cursive style with a large, stylized 'R' and 'H'.

Richard Holeyfield
Southwest Festivals, Inc.
PO Box 538
Waxahachie, TX 75168
972-938-3247 x15

Attachments:

Map
Mailing List

MAILING LIST
SOUTHWEST FESTIVALS, INC.
DOCKET NO. 2006-2027 MWD; PERMIT NO. WQ0014665001

For the Applicant

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Waxahachie, TX 75168
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972-938-1890

Jerry Palady
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For The Executive Director

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For the Public Interest Counsel

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For the Office of Public Assistance

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For Alternative Dispute Resolution

Mr. Kyle Lucas
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512-239-4015

For the Chief Clerk

Ms. LaDonna Castanuela
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512-539-3300
512-239-3311

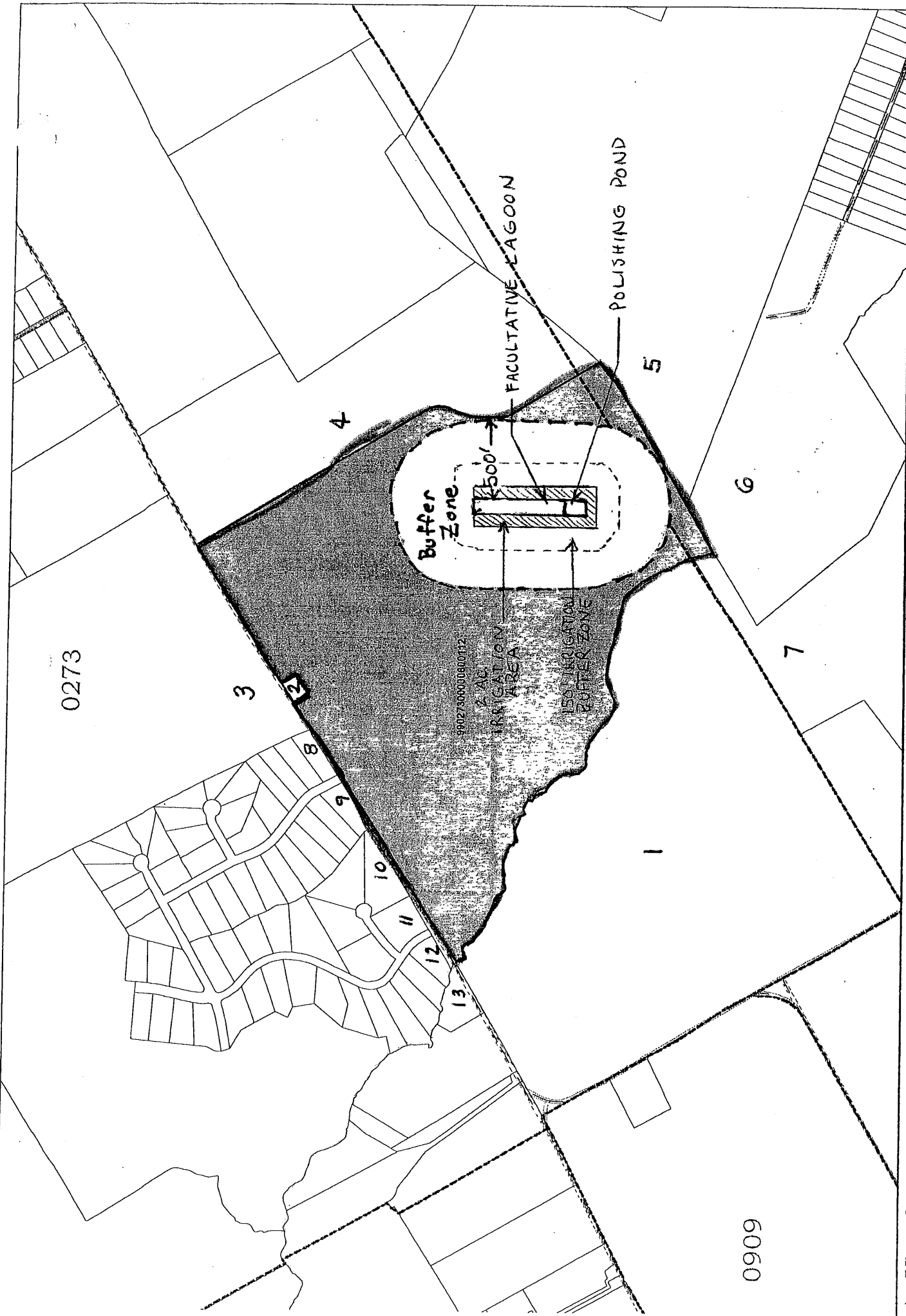
Requester

Amy Hollingsworth
1037 Waterford Drive
Waxahachie, TX 76167-8180

Landowner Map


Adjacent landowners cross-reference to proposed site on Map. Information source is Ellis County Central Appraisal District Office on August 12, 2005:

1. Gary Aday
P.O. Box 511
Bristol, VA 24203
2. Jack Taylor
220 Davenport #215
Italy, TX 76651-3592
3. Don and Margaret Walker
2215 FM 1446
Waxahachie, TX 75167
4. Mattie Aday
3001 E. FM 4
Cleburne, TX 76031
5. C. Robert Nichols
322 N. Greenstone Ln.
Duncanville, TX 75116-4350
6. Redem, Inc.
2898 FM 1387
Midlothian, TX 76065-5133
7. Michael and Marla Lyle
467 Cunningham Meadow Rd.
Waxahachie, TX 75167
8. Robert and Flora Brewer
1006 Red River Dr.
Waxahachie, TX 75165
9. Sol and Evert Jewell
1015 Red River Dr.
Waxahachie, TX 75167
10. Greenhill Homes Ltd.
25 Highland Pk. Vlg. Pmb 100-228
Dallas, TX 75205
11. Patrick Patterson
2010 Paluxy Ct.
Waxahachie, TX 75165
12. Misty Asman and Carol Asman
1005 Waterford Dr.
Waxahachie, TX 75165
13. Charles Lloyd
2702 FM 66
Waxahachie, TX 75165-5516




Adjacent and Buffer Zone	Landowner	Map

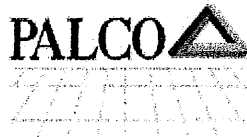
417 0 417 834 Feet



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Map printed 4/15/2005



PALCO Engineering & Construction Services

A Division of PALCO Enterprises, Inc.

211 East Beltline Rd., Ste. 103 ♦ DeSoto, TX 75115

Office: 972-223-7676 ♦ Fax: 972-223-7677

February 22, 2007

Southwest Festivals, Inc.
PO Box 538
Waxahachie, Texas 75168-0538
Attn: Coy Sevier, General Manager

Re: Request(s) filed on TCEQ Permit Application WQ0014665001
Hearing Request/Request for Reconsideration
Reference Letter from TCEQ, Docket No. 2006-2027-MWD dated February 13, 2007

Dear Mr. Sevier;

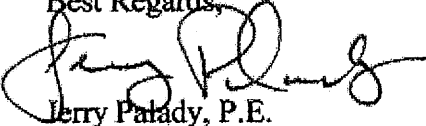
As the Southwest Festivals, Inc. Engineer of Record for the Scarborough Faire Waxahachie Sanitary Sewer Design Project completed in 2006, I offer the following comments for clarification in regards to the additional permit hearing being considered by the TCEQ in accordance with the referenced document and it's attachments. It is the opinion of the management of PALCO-ECS that a request for formal hearing to reconsider the permit application be denied by the TCEQ based on the following clarification:

1. All design documents were prepared in strict compliance with Texas Commission on Environmental Quality (TCEQ) design requirements and parameters. The final design document submitted to the TCEQ included all TCEQ required documentation and technical information in the formats required by the TCEQ. This documentation included design reports, construction specifications and drawings, buffer zone maps, affected land owner maps, design features, technical information and permit application forms.
2. In response to misinformation that alluded to dumping over 50,000 gallons of raw sewage into the creek, a public meeting was held at the Scarborough Faire executive offices at 7:00 pm on September 19, 2007 to address these concerns. In addition to the Scarborough Faire Executive directors in attendance, Jerry Palady, P.E., Vice President/PALCO-ECS and Carol Aston, P.E., Project Engineer/PALCO-ECS were also in attendance. All questions and comments provided by citizens in attendance were addressed, answered completely and to apparent satisfaction of these attendees. Attendees also signed a form letter that stated their concerns were adequately addressed and that they further withdrew previous requests for public hearing. These forms were submitted to the TCEQ Office of the Chief Clerk. Copies are available upon request.
3. In response to the concerns afore mentioned in Item 2 above, i.e. that thousands of gallons of raw sewage will be discharged into the creek, I offer the following clarification. The design is based on a lagoon treatment system, whereby absolutely no discharge of neither treated nor untreated effluent into adjacent waterways will occur. The Permit application specifically calls for "No Discharge" permit.

4. The design is based on a 150 foot irrigation buffer zone field located entirely on Southwest Festivals Property in accordance with TCEQ guidelines and design standards.
5. The required and defined 500 foot project Buffer Zone is located entirely on Southwest Festival Property in accordance with TCEQ guidelines and design standards.
6. Design considerations specifically excluded any part of the lagoon system from extending into the 500 year flood plain.
7. Design is consistent with low odor discharge requirements. Further consideration of prevailing winds were utilized in orientation of the lagoon ponds system to further negate adjacent land owner concerns of odors emanating from the site.
8. Additional studies and evaluation of fresh water well locations in the surrounding areas were considered in lagoon location and layout. No wells were found within a 1 mile radius of the site location.
9. A sludge management program consistent with the requirements of TCEQ guidelines has been included in the design package.

It is the opinion of PALCO-ECS that all criteria as provided in the design report submitted to the TCEQ meets or exceeds design criteria and guidelines imposed by the TCEQ. If you have any questions, please do not hesitate to call.

Best Regards,


Jerry Palady, P.E.
Vice President

Cc: Richard Holeyfield/Southwest Festivals, Inc.
Carol Alston, P.E./PALCO-ECS